

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**UNITED STATES OF AMERICA**

**AFFIRMATION OF  
ELIZABETH M. FINK**

**-against-**

**12 Cr. 185 (LAP)**

**JEREMY HAMMOND,**

**Defendant.**

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STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF KINGS)

ELIZABETH M. FINK, an attorney admitted to practice law before this Court, under pain and penalty of perjury, affirms as follows:

1. I represent the above-named defendant pursuant to the Criminal Justice Act, and make this affirmation in support of his application for an order disqualifying the Hon. Loretta A. Preska from sitting as trial judge in this case pursuant to 28 U.S.C. § 455(a), which mandates disqualification when a judge's impartiality might reasonably be questioned.

2. On Thanksgiving morning, November 22, 2012, I opened an email from a Fox News reporter identifying Thomas J. Kavalier, this Court's husband, as a victim of the hack of Statfor Global Intelligence, one of the crimes charged against the defendant herein. As this Court is aware, I provided copies of this email and the accompanying attachments in a timely fashion to the prosecution and this Court.

3. A true and correct copy of this communication is attached hereto as "Exhibit A," a compendium of press clippings on the subject is attached as "Exhibit B," and this Court's written submission to the Senate Judiciary Committee in connection with her confirmation as a federal

judge is attached as "Exhibit C."

4. For the reasons outlined in the accompanying Memorandum of Law, it is respectfully requested that this Court grant the defendant's motion for this case to be assigned to a different judge of this District, and grant such other and further relief as may be just and proper.

A handwritten signature in black ink, reading "Elizabeth M. Fink". The signature is written in a cursive, flowing style with a large initial 'E' and a stylized 'F'.

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Elizabeth M. Fink

Dated: Brooklyn, New York  
December 6, 2012